GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:656
ANSWERED ON:28.07.2006
CONFERENCE OF HIGH COURTS CHIEF JUSTICES AND STATES CHIEF MINISTERS
Badiga Shri Ramakrishna

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the details of Resolutions adopted in the recently held conference of Chief Justices of High Courts and Chief Ministers of States ;

(b) the details of Resolutions implemented or are in the process of implementation by the Government ;

(c) whether the meeting resolved for having Fast Track Courts of Magistrates; and

(d) if so, the details thereof and the action that has been contemplated by the Government in this regard ?

Answer

MINISTER OF STATE IN THE MINISTRY OF LAW & JUSTICE (SHRI K.VENKATAPATHY)

(a) A copy of the minutes of the Conference, containing the resolutions and decisions passed therein, is annexed,

(b) The resolutions are in the process of implementation by the Government. Government has forwarded a copy of the minutes to all the States/UTs and also constituted a Centre level Committee to oversee the implementation of the resolutions of the Conference. State Governments have also been requested to constitute Committees for the same purpose.

(c) Yes, Sir.

(d) The matter is under consideration of the Government.

LOK SABHA UNSTARRED Q.N.656 FOR 28/07/2006

CONFERENCE OF THE CHIEF MINISTERS OF STATES AND THE CHIEF JUSTICES OF THE HIGH COURTS (MARCH 11, 2006)

MINUTES

1. Implementation of resolutions passed at previous Conference of Chief Ministers and Chief justices held on September 18,2004.

Il. Establishment of a-permanent mechanism for implementation of resolutions of the Chief Justices Conference.

These items were taken-up together for consideration,

All states agreed that a permanent mechanism needs to Be evolved to ensure, impemention of the decision taken at Chief Justices Conference and at the Joint Conference of` Chief`Ministers and Chief Justices, so as to achieve the objective of convening such Conferences. There was consensus in favour of setting-up monitoring Committees at the level of Centre as well as at the level of States, Some participants were of the view that at State level there could Be two Committees, on consisting of the Chief Secretary, Secretary (Law) and Registrar general of the High Court,whereas the other Committee could consists of Chief Minister,Chief Justice, Law Minister Finance Minister and one judge nominated by the Chief Justice,There was agreement that the Monitoring Committee at the level of the Centre should consist of Hon`ble the Chief Justice of India, Union Finance Minister and Union Law Minister, and wherever deemed appropriate,Hon`ble Prime Minister of India be invited to the meeting of the Committee

(i) A Committee consisting of Hon`ble the Chief Justice of India/ Union Minister for Finance and Union Minister for Law & Justice be set-up at national level for ensuring timely implementation of the decisions taken at Chief Justices` Conference and Joint Conferenceof Chief Ministers and Chief Justices,Wherever deemed appropriate, Hon`ble Prime Minister of India be invited to the meeting of the `Committee.

(Il) Monitoring Committees at two levels be set-up in each State for timely implementation of the decisions taken at Chief Justices Conference arid Joint Conference of Chief Ministers and Chief Justices.The first level Committee should consist of Chief Secretary, Registrar Genera! of the High Court and Law Secretary of the State, whereas the second level Committee should consist of Chief Minister, Chief Justice and Law Minister of the State,

ITEM NO. 2. Reduction of arrears and speedy disposal of cases.

NO. 4. Enhancing the strength of Judges in High Courts and subordinate Courts.

These items were taken-up together for consideration.

All the participants expressed serious concern at the huge pendency of cases particularly at the level of subordinate Courts and stressed` upon an urgent need to find ways and means to reduce Saciilog and ensure speedy disposal of the cases. No one disputed that the huge backlog of pending cases cannot be wiped out without suitably enhancing the strength of Judges in High Courts as well as subordinate Courts. Some States, however, pleaded lacf of resources for funding the increase in strength of Judges.Inhere was no opposition to the suggestion for transfer of cases involving petty offences to the courts of `Special`Metropolitan `Magistrates/Special`Judicial`Magistrates.

DECISION

Adequate steps aimed at reduction of arrears and speedy disposal of cases including increase in the strength of Judges, simplification of procedures, use of various IT tools and use of modern Court Management systems be taken by all concerned so as to achieve the desired results. Cases involving petty offences including traffic & municipal challans be transferred to the courts of Special Metropolitan Magistrates/Special Judicial Magistrates.

ITEM NO.3. Modernisation and Computerisation of Courts and augmenting of infrastructure for them.

All the States were unanimous in advocating the need for modernization and rapid computerisation of Courts. None of the speakers denied that the infrastructure, particularly, at the level of District Courts needs substantial augmentation by upgradation and expansion of the existing Court Buildings and addition of new Court complexes.However, some of the States expressed financial constraints in releasing adequate funds for augmenting the infrastructure.

DECISION

The knowledge and expertise in use of computers and various IT tools, available in our country, be used for modernization and computerisation of Justice Delivery System at all levels.States will make efforts to provide more funds for computerisation of Courts and augmenting infrastructure for them.

5. Training for Judges and Court staff.

All the participants agreed that there was need to give induction as weffas in service training to Judges at all levels.No one disputed the need for training the Court staff, particularly, in Court Administration and Management

DECISION

Adequate training be imparted by National Judicial Academy and State Judicial,Academies to Judges as well as the Court staff.

ITEM NO.6. Setting-up of Fast Track Courts of Magistrates.

Taking into consideration the pendency of criminal cases at the level of Magistrates and the success achieved by Fast Trac Courts of Session Judges, at the participants supported the proposal for setting-up of Tast traffic Courts Magistrates so as to reduce the workload on regular Courts.

DECISION

Fast Track Courts of Magistrates be set-up at the earliest, by evolving a suitable scheme, on the lines of. the existing scheme for Fast Track Courts of Session judges.

7.Granting Financial Autonomy to High Courts.

Some States expressed financial constraints in meeting all the Budgetary demands of the high Court and increasing the Budget allocation for tfie judiciary. However, there was no opposition as such to grant of full power of appropriation and reappropriation to the Chief Justices,within the budget allocated for judiciary.

DECISION

(i) Chief Justice of the High Court be delegated full power to appropriate and reappropriate the funds within the budget allocated by the State Government for the judiciary in the State;

(ii) Consistent with their financial resources, State Governments shall provide adequate budgetary allocation for judiciary.

ITEM NO. 8. Establishment of E-Courts and video conferencing facilities.

All the participants agreed that the facidty of video conferencing would Be of immense use particularly for remand of accused persons, recording of evidence in appropriate cases and training of Judicial Officers and Court staff. It was also felt that E-Courts and E-filing should Be introduced in select Courts.Chief Minister of Qujarat proposed setting-up of a models-Court in Qujaratfrom the funds of the State government

DECISION

Facility of Video Conferencing be made available in all the States and model E-Courts be set-up in select places.

NO.9. Facility of Research Assistants and Law Clerks to High Court Judges.

There was an agreement that the Judges of the High Court need assistance in research work on legal issues coming up for adjudication.It was also felt that talented law graduates from reputed law schools should Be engaged for the purpose.

DECISION

Assistance of Law Clerk-cum-Research Assistants be provided to all the Judges of High Courts, who may be engaged on adequate remuneration, which as far as possible should not be less than Rs.10,000/- p.m.

ITEM NO.10.

Entrustment of selection of subordinate Judicial Officers to High Courts, wherever already not entrusted. In some of the States selection of subordinate judicial officers at the level of civil judges is already being made By the High Courts.Some States where selection is still being made by the (Public Service Commissions, were agreeable to entrust the selection to the High Court whereas Chief Ministers/Ministers of Himachal Pradesh,West Bengal, Punjab and% kerala were of the view that the present system may continue.In States of Himachal Pradesh,West Bengal, Punjab and Kerala.setting up of question papers and evaluation of answer sheets be entrusted to the High Court. In other States,where selection of subordinate Judicial Officers is not being made by the High Court, such selection be entrusted to the High Court, by amending the relevant rules.